

# **Supreme Court of Alabama**

**Annual Statistics**

**For The Fiscal Year  
Ending September 30, 2019**

## Table I

### Filings and Dispositions.

	9/30/2015	9/30/2016	9/30/2017	9/30/2018	9/30/2019
<b>Filings</b>					
Certiorari petitions	602	606	462	471	388
Original decisions	834	760	706	745	682
Total	1436	1366	1168	1216*	1070
<b>Dispositions</b>					
Certiorari petitions	618	613	513	473	404
Original decisions	881	794	719	764	622
Total	1499	1407	1232	1237	1026
<b>Pending (Year End)</b>	512	477	425	417	478
<b>Throughput</b>	104.38%	103.30%	105.47%	101.72%	95.88%
<b>Bar Disciplinary Matters</b>	58	71	67	75	84

Cases before the Supreme Court seeking decisions on petitions for writs for certiorari to the Court of Civil Appeals and the Court of Criminal Appeals are proceedings seeking discretionary review by the Supreme Court after the case has been decided by a trial court and reviewed on direct appeal by an intermediate appellate court.

Cases before the Supreme Court seeking original decisions consist of direct appeals (proceedings seeking review of a judgment of a trial court in this Court in civil cases where the amount in controversy exceeds \$50,000 or the relief sought is equitable), petitions for extraordinary writs (proceedings seeking review of orders entered during the pendency of a proceeding in a trial court or appellate court), petitions for permission to appeal (proceedings seeking review of a question of law arising during the pendency of a proceeding in a trial court), granted writs in petitions for certiorari (proceedings after this Court has determined further review is warranted of a decision by an intermediate appellate court), and certified questions from federal Courts (proceedings where a federal court has referred a question of Alabama law arising in a case before the federal court to this Court for resolution).

After cases are filed with the Supreme Court, they undergo a period for preparation of the record on appeal and the filing of briefs. Once this process is completed, cases are randomly assigned to the Justices for research and the preparation of the Court's decision.

On November 17, 2003, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules, which govern the procedure for referring appeals to appellate mediators. Those rules became effective on January 1, 2004, and the program has been successful in both the Supreme Court and the Court of Civil Appeals, having a substantial impact upon the number of cases assigned for decision.

\*The number of cases *filed* does not include two additional appeals that were "filed" in the 2017-2018 fiscal year but not *docketed* until the 2018-2019 fiscal year, bringing the total number of cases docketed and processed through the court this year to 1072. These additional two cases were not captured by last year's annual statistical report, nor are they included in this year's annual statistical report.

**Table II.****Number of cases assigned to Justices and pending decisions on petitions for certiorari review and original decisions.**

	09/30/2015	9/30/2016	9/30/2017	9/30/2018	9/30/2019
<b>Parker, C. J.*</b>					
Certiorari petitions	6	12	7	6	2
Original decisions	8	18	2	5	12
<b>Bolin, J.</b>					
Certiorari petitions	9	10	6	5	7
Original decisions	14	9	10	19	12
<b>Shaw, J.</b>					
Certiorari petitions	21	15	17	11	7
Original decisions	18	20	22	16	8
<b>Wise, J.</b>					
Certiorari decisions	9	7	6	5	4
Original decisions	14	9	8	11	11
<b>Bryan, J.</b>					
Certiorari decisions	7	10	8	6	5
Original decisions	9	3	9	8	7
<b>Sellers, J.</b>					
Certiorari decisions	n/a	n/a	7	6	3
Original decisions			13	13	7
<b>Mendheim, J</b>					
Certiorari decisions	n/a	n/a	n/a	9	5
Original decisions				18	9
<b>Stewart, J.</b>					
Certiorari decisions	n/a	n/a	n/a	n/a	11
Original decisions					32
<b>Mitchell, J.</b>					
Certiorari decisions	n/a	n/a	n/a	n/a	18
Original decisions					39
<b>Former Justices**</b>					
Certiorari decisions	17	16	11	n/a	15
Original decisions	37	26	21		7
<b>Total</b>	192	266	166	154	222

\*Chief Justice Parker served as an Associate Justice until January 14, 2019. Chief Justice Parker was elected to serve as Chief Justice effective January 15, 2019, for a six year term.

\*\* Cases assigned to former Justices who are no longer active.

**Table III.**

**Number of cases assigned to Justices upon assuming office.**

	<b># Pending Cases</b>	<b>Date Assumed Office</b>
<b>Sellers, J.</b> Certiorari decisions Original Decisions	9 20	5/25/2017
<b>Mendheim, J.</b> Certiorari decisions Original Decisions	4 25	1/22/2018
<b>Stewart, J.</b> Cert Decisions Original Decisions	5 26	1/15/2019
<b>Mitchell, J.</b> Cert Decisions Original Decisions	5 26	1/15/2019

The above table reflects the initial caseload assigned to sitting Justices that assumed office during the period covered by this report. When each Justice assumes office, he or she assumes responsibility for the cases previously assigned to other members of the Court. At that time, each Justice's caseload consisted primarily of these type cases.

**Table IV.****Average number of days between the assignment of cases  
and the release of decisions.**

	9/30/2015	9/30/2016	9/30/2017	9/30/2018	9/30/2019
<b>Parker, C. J.</b>					
Certiorari petitions	46	46	41	41	42
Original decisions	110	124	149	102	108
<b>Bolin, J.</b>					
Certiorari petitions	50	44	38	39	41
Original decisions	118	145	102	128	132
<b>Shaw, J.</b>					
Certiorari petitions	101	130	115	91	67
Original decisions	180	250	227	163	124
<b>Wise, J.</b>					
Certiorari petitions	42	42	32	38	32
Original decisions	137	177	129	115	125
<b>Bryan, J.</b>					
Certiorari petitions	57	52	36	36	41
Original decisions	121	99	69	75	98
<b>Sellers, J.</b>					
Certiorari petitions	n/a	n/a	39*	45	30
Original Decisions			74	104	67
<b>Mendheim, J. ***</b>					
Certiorari petitions	n/a	n/a	n/a	53 **	50
Original Decisions				135	133
<b>Stewart, J. ***</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	61
Original Decisions					75
<b>Mitchell, J. ***</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	88
Original Decisions					156
<b>Average for the Court****</b>					
Certiorari petitions	56	59	48	47	50
Original decisions	132	148	137	109	115

\* The averages for Justice Sellers are from May 25, 2017, through September 30, 2017. Justice Sellers was appointed by Governor Kay Ivey, on May 25, 2017.

\*\* The averages for Justice Mendheim are from January 22, 2018 through September 30, 2018. Justice Mendheim was appointed by Governor Kay Ivey, on January 22, 2018.

\*\*\* As reflected in Table III, each Justice is immediately assigned a number of cases when they assume office. These cases were previously assigned to other Justices. The averages for Justice Mendheim, Justice Stewart, and Justice Mitchell in Table IV are calculated based on the date those cases referenced in Table III were first assigned. The averages do not reflect that Justice Mendheim was not assigned cases until he took office on January 19, 2018, and Justice Stewart and Justice Mitchell were not assigned cases until they took office on January 15, 2019.

\*\*\*\* The "Average for the Court" values are calculated by dividing the total number of days for all cases by the total number of cases for all Justices during the specified date range for the evaluated case type. The value is then rounded for readability. Only active Justices have their individual averages listed.

**Table V.**  
**Number of decisions released.**

	9/30/2015	9/30/2016	9/30/2017	9/30/2018	9/30/2019
<b>Parker, C. J.</b>					
Certiorari petitions	67	59	60	52	31*
Original decisions	28	27	42	30	7
<b>Bolin, J.</b>					
Certiorari petitions	61	67	55	52	42
Original decisions	39	48	34	25	39
<b>Shaw, J.</b>					
Certiorari petitions	57	74	45	55	45
Original decisions	33	26	31	34	28
<b>Wise, J.</b>					
Certiorari petitions	63	69	52	49	41
Original decisions	29	33	31	24	22
<b>Bryan, J.</b>					
Certiorari petitions	71	67	56	49	46
Original decisions	39	38	33	37	23
<b>Sellers, J.</b>					
Certiorari petitions	n/a	n/a	26**	51	46
Original decisions			18	40	32
<b>Mendheim, J.</b>					
Certiorari petitions	n/a	n/a	n/a	40***	45
Original decisions				36	32
<b>Stewart, J.</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	26
Original Decisions					18
<b>Mitchell, J.</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	22
Original Decisions					12

These statistics do not reflect the following activities: (a) the Court often renders decisions on matters that are disposed of without assignment to a Justice; (b) a Justice may write a separate opinion in a case in which that Justice concurs specially, concurs in the result, or dissents; and (c) all Justices perform various administrative responsibilities in addition to resolving appeals, including, but not limited to, Alabama State Bar Disciplinary Matters, services connected with oversight of the Alabama State Bar, as well as responsibilities associated with 12 Rules of Court Committees necessary for the Alabama Unified Judicial System.

In its normal operation, the Court sits in two panels, each of which is composed of the Chief Justice and four Justices in alternating seniority. Thus, many cases can be disposed of by the vote of five Justices without requiring the participation of the other four Justices. Because the Chief Justice is required to participate in the case disposition in both panels, and because the Chief Justice has significant additional administrative duties, the Court's internal distribution protocol provides that the Chief Justice is assigned 1 of every 17 cases from each of the Court's assignment rosters, rather than 1 of every 9 cases. The number of released decisions reflected above for a Justice in the year in which said Justice assumed office (see Table III) reflects decisions released during a period of less than 12 months.

\*On January 15, 2019, and thereafter, Chief Justice Parker, in accordance with the Court's internal distribution protocol, was assigned 1 of every 17 cases from each of the Court's assignment rosters.

\*\* Because Justice Sellers did not take office until May 25, 2017, the number of decisions released is calculated beginning from May 27, 2017, rather than from October 1, 2016.

\*\*\* Because Justice Mendheim did not take office until January 22, 2018, the number of decisions released is calculated beginning from January 22, 2018, rather than from October 1, 2017.

**Table VI.**

**Average number of days in which cases with decisions were pending.**

	<b>09/30/2015</b>	<b>09/30/2016</b>	<b>9/30/2017</b>	<b>9/30/2018</b>	<b>9/30/2019</b>
Certiorari petitions	70	70	60	59	59
Original decisions	290	304	279	247	253

These statistics refer to the initial release of a decision in a case. The certificate of judgment indicating final disposition of a case is not issued until fourteen (14) days later, unless an application for rehearing is filed. In such event, additional time is necessary to issue a ruling on the application for rehearing.

The number of days pending in this Court includes the time necessary for preparation of the record on appeal and the filing of briefs. These events occur before the assignment of the case to a Justice for preparation and circulation of a proposed opinion. The number of days pending also includes the time expended while awaiting special concurrences or dissents of other Justices after a majority of the Court has concurred in the release of a proposed opinion.